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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,305	12/21/2001	Philipp Hortig	HORTIG	6538

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EXAMINER

EASTHOM, KARL D

ART UNIT PAPER NUMBER

2832

DATE MAILED: 06/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/032,305

Applicant(s)

HORTIG ET AL.

Examiner

Karl D Easthom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. Applicant's election with traverse of the claims in Paper No. 5 is acknowledged. The traversal is on the ground(s) that there are not separate species. . This is found persuasive and the election requirement withdrawn.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-26 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no description adequate to describe how the control element 2 moves to interact with the transducer. Fig. 1 reveals no moving part for the control element 2. Nor does Fig. 3 or Fig. 6. The other figures do not list element 2. For claims 14 and 26 there is no description for how the control element interacts with the three elements. In claim 6, there is no description for the control element to be supported by the push rod.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

5. Claims 1-4, 6-9, 11-16, 19, 21, 23, and 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by David et al. David discloses the claimed invention at Fig. 2 where the control element 34, 12 is configured as a handle, with biasing means 37 prestressing same in the downwards direction, and transducer elements Ja-Jd extending in a perpendicular direction. In claim 2, 31 and/or 34 is a push rod having a curved end surface. In claim 3 the pocket in 34 has the ball 35 where 34 has a curved surface as depicted and acts upon the bridge resistors of claim 4 - see Fig. 4. In claim 6, the biasing means is 37 with control element 34 supported by push rod 31 via the elastic member. In claim 7, the housing is seen at Fig. 2 comprising 13. In claims 8 and 21, the arms of the diaphragm are elastic and are the second elastic member, and all parts are connected so as to support each other, and the arms are in opposition to the spring since they are biased to not move downward or upward. In claims 9 and 11, there is displacement along the longitudinal axis and the resistor direction is transverse thereto. Elements 13d or 31 are the tubes of claim 12, and a cable is attached to one end at Fig. 1, with a load reeving member 34,

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35, etc., each one taking the load of force from an operator. In claim 14, there is operation in three directions, X,Y and Z transverse to each other and three transducers J. In claim 15, the handle is a barrier to light as opaque and delivers an operating signal when embraced.

6. Claims 1-4, 6-9, 11, 16-17, 19, 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Norton et al. Norton discloses the claimed invention at Fig. 1 where the control element 18, 19 or 11 is configured as a handle, with biasing means 56, 57 prestressing same in the upwards and downwards direction, and transducer 40, 41 including a forces sensor and having a sensor surface extending in a circular direction or the cylindrical surface which is perpendicular to the downward or upward direction. Or the sensor surface is 33 upon which the resistors 40,41 are wound, and as part of the sensor extends in a circular direction defining the cylindrical substrate surface. Or the sensor surface is the top of the cylinder upon which the resistors are wound. In claim 2, the push rod is 51. Or, the push rod is 18 which has a curved surface and acts upon the sensor surface, where applicant's push rod does not touch any sensor surface. Thus in claims 6-7, the elastic member is 57 and the housing is 11, and in claim 8, the actuating element is 51 with a second elastic member is 56. In claim 3, the calotte shaped pocket is the hole for the screw where calotte means a caplike structure, and the element 51 with a hole is cap like, since it caps the screw for example. The ball is not claimed. In claim 4, the resistors 42, 43 are in a bridge. In claim 9, the surface 33 also extends parallel to the longitudinal axis. In claim 11, the element can pivot in a direction perpendicular to the axis. In claims 21-

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22, the springs 56 meet the claims. In claim 23, 51 is an actuating element. In claim 17, 46-48 are switching elements. In claim 19, magnitude and direction (forward or back) is sensed.


7. Claims 1-3, 5-7, 9, 11-13, 15-20, 25 are rejected under 35 U.S.C. 102(a,e) as being anticipated by DeVolpi. DeVolpi discloses the claimed invention at Figs. 2 and 6 with four resistors 126-129 extending perpendicularly to the stress force from spring 27 with handle 31. The control element is part 34, acting as a handle. In claims 5 and 18, the circuit board at col. 2, lines 59-67 is plastic, which is more flexible than the ceramic board. The device is a force sensor in that different directions of force are sensed. In claim 19, the difference in force magnitude or direction alters the surface of the rubber disc covering the circuit board, as disclosed at col. 3, lines 50-60. The push rod of claims 2-3 is the elements 36, 38 or also includes 31. In claim 6, the control element 34 is supported by the push rod 31 via the elastic member 27. In claim 7, the housing is 21. In claim 12, the circuit run 41 is a short metal tube. In claim 13, there is an attached cable 14 and the lower end of the tube 41 "for attachment" to a load receiving member where the whole device is attached to a load - the force for example. In claim 17, the circuit operates in part by closing switches, see also the switch elements at col. 3, lines 40-60. In claim 15, the whole device is a barrier to light, and a signal is delivered when the operator embraces the device and deflects it. In claim 20, the four resistors are in a bridge circuit where they are all connected, and no type of bridge is specified.

8. Claims 1, 14, 19 and 26 are rejected under 35 U.S.C. 102(a,e) as being anticipated by Sharp et al. Sharp discloses the claimed invention at Fig. 14 with force sensitive transducers 118

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extending perpendicular to the biasing means 108- elastomeric spacers. The control element 112 is configured as a handle. In claim 2, the pushrod. In claim 14 and 26, the three orthogonal directions are x,y, and z where 114 is the z directed transducer.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl Easthom whose telephone number is (703)308-3306. The examiner can normally be reached on M-Th. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad, can be reached on (703)308-7619. The fax phone number for the organization where this application or proceeding is assigned is (703)308-7722. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

  
KARL D. EASTHOM  
PRIMARY EXAMINER